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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/839,697

Applicant(s)

LOWRANCE ET AL.

Examiner

Tan Dean D. Nguyen

Art Unit

3689

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-16, 18-20, 22-35 and 37-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-16, 18-20, 22-35, 37-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

I. Response to Amendment

1. The amendment of 3/18/09 has been entered. Claims 1, 3-16, 18-19, 20, 22-35, 37-38, 39 and 40 are pending. Claims 2, 17, 21 and 36 have been canceled. They comprising 4 groups of claims:

- 1) System¹: 1, 3-16, 18-19. Claims 2 and 11 have been canceled.
- 2) Method: 20 and 22-35, 37-38. Claims 21 and 36 have been canceled.
- 3) article/product: 39 and
- 4) System²: 40.

Independent system claim 40 appears to be broadest and single claim and will be examined first.

As of 3/18/09, independent system claim 40 is as followed:

40. (Currently Amended) A computer system operable facilitate decision making by accessing or generating an argument supporting a conclusion for a given situation, the computer system comprising:

- (1) one or more processors;
- (2) one or more memory coupled to the one or more processors, wherein at least one of the processors and memory are adapted to:

a) present to a user a plurality of searchable templates, wherein each of the plurality of searchable templates includes a plurality of queries, and wherein at least one of the plurality of searchable templates is relevant to the given situation;

b) receive from said user a selection of one of said plurality of searchable templates from among the at least one of the plurality of searchable templates that is relevant to the given situation, said one of said plurality of searchable templates being a relevant template most related to the given situation;

c) receive from the user one or more responses to one or more queries of the relevant template, where each of said one or more responses is associated with a likelihood of a negative or positive result for an associated one of the one or more queries and wherein one or more of the one or more queries has an associated discovery tool that links to an external data source to facilitate responding to the one or more of the one or more queries;

d) receive from the user supporting evidence in response to the one or more queries, the supporting evidence being relied on by the user to form at least one of the one or more responses;

e) associate the supporting evidence received from said user with at least one of the one or more responses;

f) evaluate the one or more responses, in accordance with the likelihood of a negative or positive result associated with each of said one or more responses, to determine a conclusion indicating whether the given situation will likely have a positive or negative result;

g) form an argument supporting the conclusion indicating whether the given situation is likely to have a positive or negative result, the new argument comprising the

relevant template, the one or more responses, the supporting evidence, and the conclusion; and

h) publish the new argument, including the relevant template, one or more responses, the supporting evidence, and the conclusion, for review.

20. (Currently Amended) A method for facilitating decision making by accessing or generating an argument supporting a conclusion for a given situation, the method using a processor to perform steps comprising:

a) presenting to a user a plurality of searchable templates, wherein each of the plurality of searchable templates includes a plurality of queries, and wherein at least one of the plurality of searchable templates is relevant to the given situation;

b) receiving from said user a selection of one of said plurality of searchable templates from among the at least one of the plurality of searchable templates that is relevant to the given situation, said one of said plurality of searchable templates being a relevant template most related to the given situation;

c) receiving from said user one or more responses to one or more queries of the relevant template, where each of said one or more responses is associated with a likelihood of a negative or positive result for an associated one of the one or more queries and wherein one or more of the one or more queries has an associated discovery tool that links to an external data source to facilitate responding to the one or more of the one or more queries;

d) receiving from said user supporting evidence in response to said one or more queries, the supporting evidence being relied on by the user to form at least one of the one or more responses;

e) associating said supporting evidence received from said user with at least one of said one or more queries for which a response has been received;

f) evaluating said one or more responses, in accordance with the likelihood of a negative or positive result associated with each of said one or more responses, to determine a conclusion indicating whether the given situation will likely have a positive or negative result;

g) forming an argument supporting [[a]] the conclusion of the evaluating, the argument comprising the relevant template, the one or more responses, the supporting evidence, and the conclusion; and

h) publishing said argument, including said relevant template, said one or more responses, said supporting evidence, and said conclusion, for review.

Note: for convenience, letters (a)-(h) are added to the beginning of each step.

1. Note: Independent claim 1 and 40 are an apparatus claim. In examination of the apparatus claim, the claims must be structurally distinguishable from the prior art. While features of an apparatus claim may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See MPEP 2114. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). Apparatus claims cover what a device is, not

what a device does. *Hewlett-Packard Co. vs. Bausch & Lomb Inc.* (Fed. Circ. 1990). Manner of operating the device or elements of the device, i.e. recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, does not differentiate apparatus from the prior art apparatus. *Ex parte Masham*, 2 USPQ2d 1647 (BPAI, 1987). Also, this is an apparatus claim and intended use limitation for the system/device or apparatus, i.e. “for managing plural approval services... service provider” carries no patentable weight.

2. Therefore, the following phrases do not have patentable weight:

1) on the preamble, the phrase “for facilitating ... or positive result”.

2) on element (a) of database, the phrase “for storing a plurality of templates, ..., ...queries”.

3) on element (a) of database, the phrase “which when responded to generate ... template queries”.

4) on element (b), the term “argument” in “argument server” is an intended use of the server.

5) on element (f), the phrase “to determine whether ...result” is not a positively recited functional element but, rather, is mere intended use of the evaluated response and thus having no patentable weight. See MPEP 2173.05 (q), 2106, and 2111.04. If the function “determining” is deemed to be critical, then “a means for determining” is needed as indicated earlier.

7) Note also that the phrase “to allow one or more of the plurality of users to generate and associate comments” basically reads “permits the users to do a task” and

wherein the "task" is "generate and associate comments". In other word, "allowing an action" is different from actually "performing the action". "Causing" or "permitting" only requires serving as the reason for an action though, not necessarily performing the action. This can be done by issuing commands or orders, or entering into contracts. So even though the entity may do something later with the equipment that is in the technological arts, the positively recited steps of merely "causing" can be done without operating the equipment and is not in the technological arts. Variations on this theme have been seen in other cases, using terms like "allowing" or "permitting" an action, e.g. "allowing a user to search a database". Again, these steps are distinct from actually doing the action and having no patentable weight.

3. Also, limitations such as "argument", "conclusion", "situation", supporting evidence", "positive result", "negative result", "new argument", "for review", they are considered as non-functional descriptive material (NFDM) on the data of "...", thus having no patentable weight. The mere insertion of "argument" or "conclusion" or "situation" data over "data" does not "impart functionality when employed as a computer component", thus having no patentable weight.

See MPEP 2106.01 "Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to

support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) “Nonfunctional descriptive material” includes but is not limited to music, literary works, and a compilation or mere arrangement of data.

II. Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful (1) process, (2) machine, (3) manufacture, or (4) composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 20, 22-35, 37-38 (method) are rejected under 35 U.S.C. 101 because in order for a method to be considered a "process" under §101, a claimed process must either:

(1) be tied to another statutory class (such as a particular apparatus) or

(2) transform underlying subject matter (such as an article or materials). See (1)

Diamond v. Diehr, 450 U.S. 175, 184 (1981); (2) *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); (3) *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). If neither of these requirements is met by the claim, the method is not a patent eligible process under §101 and is non-statutory subject matter.

With respect to claims 20, 22-38, the claim language does not include the required (1) tie or (2) transformation, and thus is directed to nonstatutory subject matter. The insertion of the phrase “the method using a processor to perform steps comprising:” in the preamble is noted, however, it’s not found persuasive for 2 reasons:

1) the preamble is considered as being "capable of " or "optional" and may not have patentable weight.

2) the term "steps" may include at least "2 steps" such as the 2 "receiving .." steps or at least 1 of the "receiving ..." step and 1 of the "publishing ..." step which are considered as nominal tie. The examiner considers these steps to be extra-solution activity since they are basically just receiving and displaying data.

III. Claim Rejections – 35 USC § 112

6. Claims 1, 3-16, 18-19, 20, 22-35, 37-38, 39 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1) As for independent claims 1, 20, 39 and 40, the preamble calls for “facilitating decision making but the body of the claims, especially the last two elements/steps “form an argument” and “publish the argument”, do not appear to call for any element/step for “facilitating” or “enhancing” the “making decision” step. In fact there do not appear to have any steps related to “making a decision”.

2) As for independent claims 1, 20, 39 and 40, the 2nd elements or step (b) of “receive from said user a selection of one of said plurality of searchable templates from among the at least one of the plurality of searchable templates that is relevant to the given situation, said one of said plurality of searchable templates being a relevant template most related to the given situation” is vague, because as indicated in step (a) or previous to it, “there is 1 (at least one) of the plurality of searchable templates that is relevant to the given situation”, so the phrase “a selection From among the at least ... plurality of searchable templates is vague.

3) As for independent claims 1, 20, 39 and 40, the element/step (c) is vague because this step appears to be dealt with “c) receive from the user one or more responses to one or more queries of the relevant template” and it’s not clear how this limitation of “, where each of said one or more responses is associated with a likelihood of a negative or positive result for an associated one of the one

or more queries and wherein one or more of the one or more queries has an associated discovery tool that links to an external data source to facilitate responding to the one or more of the one or more queries;" is related to or further limits the "receiving" step. This phrase is more appropriate at the "evaluate the one or more response" element/step below.

4) As for independent claims 1, 20, 39 and 40, the phrase " in element/step (g) is vague because this step appears to be dealt with "c) receive from the user one or more responses to one or more queries of the relevant template" and it's not clear how this limitation of ", where each of said one or more responses is associated with a likelihood of a negative or positive result for an associated one of the one or more queries and wherein one or more of the one or more queries has an associated discovery tool that links to an external data source to facilitate responding to the one or more of the one or more queries;" is related to or further limits the "receiving" step. This phrase is more appropriate at the "evaluate the one or more response" element/step below.

4) As for independent claims 1, 20, 39 and 40, the phrase "the argument comprising the relevant template, the one or more responses, the supporting evidence, and the conclusion" is vague because the term "argument" which normally means:

2 (a) a reason given in proof or rebuttal, (b) discourse intended to persuade,

3 (a) the act or process of arguing : ARGUMENTATION, (b) a coherent series of statements leading from a premise to a conclusion, (c) QUARREL, DISAGREEMENT.

See Merriam-Webster's Dictionary.

Therefore, it's not clear how the term "an argument" can contain all of the features as shown above.

IV. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 40 (system), 39 (product), 1, 3-14, 17-19 (system), and 20, 22-35 and 37-38 (method) are rejected under 35 U.S.C. 103(a) as being unpatentable over GROSSER et al in view of KEGAN and/or HUANG et al (5,953,707).**

8. **As for independent system claim 40, GROSSER et al fairly discloses an analytical system for facilitating decision making by generating and accessing arguments, wherein each of the arguments supports an associated conclusion as to whether a given situation will likely have a negative or positive result, the analytical system comprising:**

(1) one or more processors;

{see Fig. 1a, 3, 4 "Servers"}

(2) one or more memory coupled to the one or more processors, wherein at least one of the processors and memory are adapted to:

{see Fig. 1a, 3, 4 "Servers"}

a) present to a user a plurality of searchable displays/frame/forms (templates), wherein each of the plurality of searchable templates includes a plurality of questions (queries), and wherein at least one of the plurality of searchable templates is relevant to the given situation;

{see Figs. 1a, 2, 4, 6, 16c}

b) receive from said user a selection of one of said plurality of searchable templates from among the at least one of the plurality of searchable templates that is relevant to the given situation, said one of said plurality of searchable templates being a relevant template most related to the given situation;

(Figs. 1a, 6, 16e, 16f and 16i, cols. 5-6)

c) receive from the user one or more inputs/answers (responses) to one or more queries of the relevant template, where each of said one or more responses is associated with a likelihood of a negative or positive result for an associated one of the one or more queries and wherein one or more of the one or more queries has an associated discovery tool that links to an external data source to facilitate responding to the one or more of the one or more queries;

{see Figs. 1a, "Builder", "Lender", "Decorator", Fig. 2, Fig. 4 "Query", Fig. 3, element 301, "Databases", element "313", "Third Party Facts/Data/KB", Fig. 4, "element 310" Proposal Database", "Residual Database", Fig. 6 "user input", "choices", "facts", "requests", and col. 14, lines 56 to col. 60, for the teaching of using various external data sources or databases}

f) evaluate the one or more responses, in accordance with the likelihood of a negative or positive result associated with each of said one or more responses, {to determine a conclusion indicating whether the given situation will likely have a positive or negative result};

{Figs. 1a, 1b, 6, 16e, 16f and 16i, cols. 5-6}

g) generating/forming another set of information (argument) supporting a conclusion of the evaluating, the new argument comprising the one of the plurality of templates, the responses, and the conclusion; and

{see Figs. 1a, 1b, 6, 12, 13, 14, 16j}

h) publish the new argument, including the relevant template, one or more responses, the supporting evidence, and the conclusion, for review.

{see Figs. 1a, 1b, 6, 12, 13}.

GROSSER et al fairly teaches the claimed invention except for steps:

d) receive from the user supporting evidence in response to the one or more queries, the supporting evidence being relied on by the user to form at least one of the one or more responses;

e) associate the supporting evidence received from said user with at least one of the one or more responses;

In another system/method for improving persuasive argumentation and decision making and particularly to a tool to estimate the strength of a persuasive argument, and

to automatically assist in making persuasive arguments stronger, **KEGAN** discloses the elements/steps of:

(d) means for receiving supporting evidence from said user in response to said one or more queries of the one of the plurality of templates, the supporting evidence being relied on by the user to form at least one of the responses; and

(e) means for associating said supporting evidence received from said user with said answers responses to said one or more queries,

(f) means for evaluating said responses {to determine whether the given situation will likely have a positive or negative result};

In order to achieve the scope/benefits cited above.

{see Figs. 2, "Evidence", "Fact", "Issue", "Law", "Matter", etc., icons, 5a and 5b, Fig. 14 "Fact Listing with Evidence, By GreenLight's Cudgel", Fig. 15 "Law with Facts, by GreenLight's Cudgel", and Fig. 25, abstract, col. 1, lines 20-27, Fig. 27 "elements 32, 37 and 40, cols. 8-10}.

It would have been obvious to modify the teachings of GROSSER et al by including elements/steps of (d), (e) and/or (f) above as taught by KEGAN for at least one of the benefit cited above which is for improving persuasive argumentation and decision making and particularly to a tool to estimate the strength of a persuasive argument, and to automatically assist in making persuasive arguments stronger.

Alternatively, in another system/method for facilitating a decision making (decision support system) in a business managing process, **HUANG et al** is cited to analysis of the responses is associated with a likelihood of a negative or positive result

for an associated one of the one or more queries and wherein one or more of the one or more queries has an associated discovery tool that links to an external data source to facilitate responding to the one or more of the one or more queries, {see Figs. 1, 2, 12, 13, 14, 40, 60 and 69, col. 4, lines 45-60, col. 7, lines 10-15 "**link ...**", col. 11, lines 5-15, col. 12, lines 1-5, col. 97, lines 30-50, col. 98, lines 1-30 "**single/group usage. Ability for multiple users to collaborate in decision making**", col. 99, lines 24-40}, thus allowing the various decisions makers (users) in the business system to view the decision making from their own perspective, obtain information and evaluate decisions concerning past, current and future performance with respect to a diverse set of often conflicting goals {see col. 1, lines 20-25, lines 50-67, and col. 2, lines 1-50}.

It would have been obvious to modify the teachings of GROSSER et al/KEGAN by including the analysis of the responses is associated with a likelihood of a negative or positive result for an associated one of the one or more queries and wherein one or more of the one or more queries has an associated discovery tool that links to an external data source to facilitate responding to the one or more of the one or more queries as taught by HUANG et al, {see Figs. 1, 2, 12, 13, 14, 40, 60 and 69, col. 4, lines 45-60, col. 7, lines 10-15 "link ...", col. 11, lines 5-15, col. 12, lines 1-5, col. 97, lines 30-50, col. 98, lines 1-30 "**single/group usage. Ability for multiple users to collaborate in decision making**", col. 99, lines 24-40}, thus allowing the various decisions makers (users) in the business system to view the decision making from their own perspective, obtain information and evaluate decisions concerning past, current

and future performance with respect to a diverse set of often conflicting goals {see col. 1, lines 20-25, lines 50-67, and col. 2, lines 1-50}.

As for independent computer readable medium claim 39, system claim 1 and method claim 20, they are basically have the same limitations/scope as in system claim 40 above, and are rejected for the same reason set forth in the rejection of claim 40 to avoid citation of duplicate rejections.

As for dep. claim 3 (part of 1 above), which deal with feature of the one or more queries, are formed in a hierarchical structure, this carries no patentable weight in an apparatus claim as indicated above. Furthermore, the general "hierarchical structure" appears to be taught in Figs. 1c and 1b of GROSSER et al.

As for dep. claim 4 (part of 1 above), which deal with feature of the response information, i.e. associated with a rationale or reason, etc., this is taught in KEGAN Figs. 4, 14, 15, and 25.

As for dep. claim 5 (part of 1 above), which deal with feature of the one or more queries input, is received ..., this carries no patentable weight in an apparatus claim as indicated above. Furthermore, this feature is taught in Figs. 1c, 1b and 6 of GROSSER et al.

As for dep. claims 6-7 (part of 1 above), which deal with features of the server, these are inherently includes in the teachings of GROSSER et al /KEGAN as shown in Fig. 1a or 1b of GROSSER et al. Note that the term "to allow" has no patentable weight as indicated above.

As for dep. claims 8-11 (part of 1 above), which deal with feature of the one or more queries, are formed in a hierarchical structure, multiple choice question, etc., these carry no patentable weight in an apparatus claim as indicated above. Furthermore, these features appear to be taught in Figs. 2 "question", 4 ,cols. 10-12, of GROSSER et al.

As for dep. claims 12-16 (part of 1 above), which deal with feature of the one or more queries, these features appear to be taught in Figs. 2 "question", 4 ,cols. 10-12, of GROSSER et al. Note that the term "to allow" has no patentable weight as indicated above. Also, the terms "is answered" or "is selected", "is associated with" are not positive apparatus claim limitations or features and thus having no patentable weight. They are interpreted as "being capable" of and the query or response or structure of GROSSER et al /KEGAN is capable of having any of this feature.

As for dep. claims 17-19 (part of 1 above), which deal with feature of the one or more queries, these features appear to be taught in Figs. 2 "question", 4 ,cols. 10-12, of GROSSER et al. Note that the term "to allow" has no patentable weight as indicated above. Also, the term "is associated with" and "is created" are not positive apparatus claim limitations or features and thus having no patentable weight. They are interpreted as "being capable" of and the query or response or structure of GROSSER et al /KEGAN is capable of having any of these features. Note that the term "to allow" has no patentable weight as indicated above. Furthermore, the general "hierarchical structure" appears to be taught in Figs. 1c and 1b of GROSSER et al.

As for dep. claims 22-38 (part of claim 20 above), which appear to have the same limitation as in dep. claims 3-19 (part of claim 1 above), they are rejected for the same reasons set forth in the rejections of claims 3-19 above to avoid citation of duplicate rejections.

9. Claims 3, 11-16 and 22 and 30-35 are rejected (2nd time) under 35 U.S.C. 103(a) as being unpatentable over GROSSER et al /KEGAN and/or HUANG et al as applied to claims 1, 3-16, 18-19 and 20, 22-35, 37-38 above, and further in view of JANSSEN.

As for dep. claims 3 and 22, the teachings of GROSSER et al/KEGAN and/or HUANG et al is cited above. In another similar system/method for facilitating analysis and decision making processes, JANSSEN discloses the use of linking of data representing a plurality of argument structure units into a hierarchical argument structure for the two benefits of facilitating decision-making, particularly when the decision-making utilizes for support a large number of sources and to provide a method wherein scientific assessment can be effectively utilized in a decision making process {see abstract, col. 6, lines 25-60, Figs. 1, 2, 4, 7, and 12d or 12F. It would have been obvious to modify the teachings of GROSSER et al /KEGAN and/or HUANG et al to modify the structure of the queries to a hierarchical structure as taught by JANSSEN to obtain at least one of the benefit cited above, which is facilitating decision-making, particularly when the decision-making utilizes for support a large number of sources and to provide a method wherein scientific assessment can be effectively utilized in a decision making process.

As for dependent claims 11-16 and 30-35, they are rejected for the same reasons set forth above and in further in view of the teachings of hierarchical argument structure as taught by JANSSEN above.

V. Response to Arguments

10. Applicant's arguments of March 18, 2009, with respect to claims 1, 3-16, 18-20, 22-35, 37-40 have been considered but are moot in view of the new ground(s) of rejection which are caused by applicant's amendment.

1) As for the arguments with respect to the 112, 2nd rejections of claims 1, 3-20 and 22-40, they are persuasive due to applicant's amendments of the claims above.

2) The Declaration under 37 CFR 1.131 to swear behind Calver's reference has been reviewed and accepted. The use of the Calver's reference has been withdrawn.

3) Applicant's comment that the teachings of GROSSER et al /KEGAN fails to teach the amended language of element/step (c) is noted, however, it's not found to be persuasive for the following reasons:

{see GROSSER et al, Figs. 1a, "Builder", "Lender", "Decorator", Fig. 2, Fig. 4 "Query", Fig. 3, element 301, "Databases", element "313", "Third Party Facts/Data/KB", Fig. 4, "element 310" Proposal Database", "Residual Database", Fig. 6 "user input", "choices", "facts", "requests", col. 14, lines 56 to col. 60, for the teaching of using various external data sources or databases }

VI. Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) US 5,406,477 by Harhen, discloses the same teachings as in HUANG et al and is cited here for applicant's awareness of potential use in the future if needed to avoid multiple rejections.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov.

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number **(571) 272-6806**. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday. Should I be unavailable during my normal working hours, my supervisor Janice Mooneyham can be reached at **(571) 272-6805**. The main FAX phone numbers for formal communications concerning this application are **(571) 273-8300**. My personal Fax is **(571) 273-6806**. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689